

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 BRIAN S. TURNER  
Deputy Attorney General  
4 State Bar No. 108991  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-0603  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2011-994

12 **BERNARD PAUL CLAYBURN**  
1067 Lauff Avenue  
13 Redding, CA 95531  
Registered Nurse License No. 332297

**A C C U S A T I O N**

14 Respondent.

15  
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
20 Department of Consumer Affairs.

21 **Registered Nurse License**

22 2. On or about September 30, 1981, the Board issued Registered Nurse License Number  
23 332297 to Bernard Paul Clayburn ("Respondent"). The registered nurse license was in full force  
24 and effect at all times relevant to the charges brought herein and will expire on November 30,  
25 2012, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
28 part, that the Board may discipline any licensee, including a licensee holding a temporary or an

1 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
2 Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761, subdivision (f) states:

8 (f) Conviction of a felony or of any offense substantially related to the  
9 qualifications, functions, and duties of a registered nurse, in which event the record of  
the conviction shall be conclusive evidence thereof.

#### 10 **COST RECOVERY**

11 6. Code section 125.3 provides, in pertinent part, that the Board may request the  
12 administrative law judge to direct a licensee found to have committed a violation or violations of  
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
14 enforcement of the case.

#### 15 **CAUSE FOR DISCIPLINE**

##### 16 **(Criminal Convictions)**

17 7. Respondent has subjected his license to discipline pursuant to Code section 2761,  
18 subdivision (f) in that Respondent has been convicted of the following crimes that are  
19 substantially related to the qualifications, functions, and duties of a registered nurse:

20 a. On or about July 21, 2010, in the Superior Court, County of Shasta, California, in the  
21 matter entitled *People vs. Bernard Paul Clayburn*, 2008, Case No. 08-07060, Respondent was  
22 convicted following his plea of nolo contendere to a violation of Penal Code section 415,  
23 subdivision (1) (any person who unlawfully fights in a public place or challenges another person  
24 in a public place), a misdemeanor, in place of Penal Code section 243, subdivision (e)(1) (any  
25 willful infliction of force or violence upon you intimate partner). The circumstances of the crime  
26 are that on or about July 21, 2008, Respondent was involved in a verbal/physical confrontation  
27 with his estranged wife at her residence.  
28

b. On or about July 21, 2010, in the Superior Court, County of Shasta, California, in the matter entitled *People vs. Bernard Paul Clayburn* 2007, Case No. 07-06859, Respondent was convicted following his plea of guilty to a violation of Penal Code section 647, subdivision (f) (public intoxication), a misdemeanor, in place of Penal Code section 243.4, subdivision (e)(1) (sexual battery). The circumstances of the crime are that on or about July 1, 2007, while at Digger Bay Marina, Shasta Lake, California, and intoxicated, Respondent grabbed the buttocks of a female without her consent for the specific purpose of Respondent's sexual arousal and sexual gratification resulting in and causing sexual abuse of the young female victim.

### FACTORS IN AGGRAVATION

8. On or about March 1, 2010, Respondent's estranged wife, Debra Clayburn passed away. Respondent and Debra had a minor child, T. C., who was in the care of Debra's brother, Rocky Collins. Following Debra's death, Mr. Collins was staying at Debra's residence only to ensure that T.C's life not be disrupted any more than necessary. Previously, this residence was awarded to Debra as her sole and separate property in a legal separation judgment. Following Debra's death, Respondent showed up at the residence demanding Mr. Collins vacate the residence. During this incident, police were called and Respondent was told to leave the residence. On or about June 28, 2010, The Superior Court, County of Shasta issued a Temporary Restraining Order against Respondent ordering Respondent to stay at least 100 yards away from Rocky Collins, his home, his work and the subject residence. Respondent, with assistance from Respondent's attorney, entered a stipulation that awarded permanent guardianship of T.C. to Rocky Collins. Among other things, the stipulation provided for supervised visits and telephone calls between Respondent and T.C. solely at T.C's discretion, including frequency, length of time, and environment of any future visits.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 332297, issued to Bernard Paul Clayburn;
2. Ordering Bernard Paul Clayburn to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED:

*June 21, 2011*

*Louise R. Bailey*

LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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